

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

MICHAEL DANIEL SMITH,  
Petitioner,  
v.

UNITED STATES OF AMERICA,  
Respondent.

**Judgment in a 2255 Case**

Criminal Case No. 5:07-CR-245-FL  
Civil Case Number: 5:17-CV-471-FL

**Decision by Court.**

This action came before the Honorable Louise W. Flanagan, United States District Judge for consideration.

**IT IS ORDERED AND ADJUDGED** that the petitioner's motion to vacate sentence is GRANTED. The judgment of conviction and sentencing including the term of supervised release, dated June 9, 2008, is VACATED. The motion for revocation of supervised release accordingly, is DENIED AS MOOT and the revocation hearing is cancelled. The court DIRECTS the United States Marshal Service immediately to release petitioner from federal custody.

This Judgment Filed and Entered on September 19, 2017, with service on:

Cindy Bembry(via CM/ECF Notice of Electronic Filing)  
Jane Jackson (via CM/ECF Notice of Electronic Filing)

September 19, 2017

/s/ Peter A. Moore, Jr.  
Clerk, U.S. District Court